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6 UNITED STATES DISTRICT COURT  
7 EASTERN DISTRICT OF WASHINGTON  
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9 ANNA SILVA,

10 Plaintiff,

11 v.

12 JPMORGAN CHASE BANK,  
13 NATIONAL ASSOCIATION,  
14 SUCCESSOR TO WASHINGTON  
15 MUTUAL BANK, FA; FEDERAL  
16 NATIONAL MORTGAGE  
17 ASSOCIATION ("FNMA"),  
18 Defendants.  
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No. 2:15-cv-00339-SAB

**ORDER DISMISSING CASE  
WITH PREJUDICE**

20 On July 18, 2016, the Court entered an Order to Show Cause, ECF No. 27.  
21 As discussed there, a Motion to Dismiss, ECF No. 23, has been pending in this  
22 case since April 29, 2016. The Court has granted four orders extending deadlines  
23 to respond to motions to dismiss in this matter. No answer has been filed and no  
24 trial date has been set. At a status conference on May 4, 2016, the parties  
25 stipulated to the dismissal of Defendant FNMA, and Plaintiff's counsel further  
26 stated that he anticipated stipulating to the dismissal of the remainder of the case.  
27 The Order to Show Cause instructed Plaintiff to respond by August 1, 2016, either  
28 by showing cause why the case should not be dismissed with prejudice, by

**ORDER DISMISSING CASE WITH PREJUDICE ^ 1**

1 responding to the motion to dismiss, or by entering a stipulation of dismissal. As  
2 of August 2, 2016, Plaintiff has refused to show cause, to address Defendant's  
3 motion, or to enter a stipulation of dismissal; instead, Plaintiff made no response  
4 whatsoever.

5 Local Rule 7.1 allows the Court to deem that a party consents to the entry of  
6 an adverse order when the party fails to respond to a motion in a timely manner.  
7 Further, the Court may dismiss a case with prejudice as sanction for failure to  
8 prosecute. *See, e.g., Pagtalunan v. Galaza*, 291 F.3d 639, 642 (9th Cir. 2002). The  
9 public interest lays in the dismissal of the case. Dealing with Plaintiff's multiple  
10 motions to continue and months of silence has interfered with the Court's ability  
11 to manage its docket. The Court concludes that the unreasonable delay in  
12 responding to the motion to dismiss has prejudiced Defendant. Finally, the Court  
13 warned Plaintiff in the Order to Show Cause that dismissal with prejudice would  
14 follow. *See Oliva v. Sullivan*, 958 F.2d 272, 274 (9th Cir. 1992).

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**ORDER DISMISSING CASE WITH PREJUDICE ^ 2**

1 Accordingly, **IT IS HEREBY ORDERED:**

2 1. Defendant JPMorgan Chase Bank's Motion to Dismiss, ECF No. 23, is  
3 **GRANTED.**

4 2. This case and all associated claims are **DISMISSED WITH**  
5 **PREJUDICE.**

6 **IT IS SO ORDERED.** The District Court Executive is hereby directed to  
7 file this Order, provide copies to counsel, **ENTER** a judgment in favor of  
8 Defendants, and **CLOSE** the file.

9 **DATED** this 2nd day of August, 2016.



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A handwritten signature in blue ink, reading "Stanley A. Bastian", is written over a horizontal line.

15 Stanley A. Bastian  
16 United States District Judge  
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